

Chemical Safety Information, Site Security and Fuels Regulatory Relief Act: Public Distribution of Off-Site Consequence Analysis Information

Final Rule

The Environmental Protection Agency (EPA) and the Department of Justice (DOJ) have issued regulations governing access to, and dissemination of, restricted forms of information about the potential off-site consequences of accidental chemical releases from industrial facilities. Off-Site Consequence Analysis (OCA) information is collected under section 112(r)(7) of the Clean Air Act as part of the Risk Management Program. As required by the 1999 Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (CSISSFRRRA), the federal government conducted assessments of both the increased risk of terrorist and other criminal activity that would result from posting OCA information on the Internet and the chemical safety benefits of allowing public access to the information. Based on the assessments, EPA and DOJ have issued a rule that allows public access to OCA information in ways that are designed to minimize the likelihood of chemical accidents, the risk associated with Internet posting, and the likelihood of harm to public health and welfare.

Overview

Chemical accidents take a significant toll on life, property, and the environment each year. However, a single, successful terrorist attack on a chemical facility could take a greater toll than would many accidental chemical releases.

The assessments conducted under CSISSFRRRA found that public access to OCA information would create incentives for reducing the risk of chemical accidents, but that Internet access to a database of OCA information would increase the risk of intentional releases. The rule minimizes the risk of chemical releases, however caused, by making OCA information available to the public in several secure ways.

The rule provides the public with access to paper copies of OCA information through at least 50 federal reading rooms distributed across the United States and its territories. It also provides Internet access to the OCA data elements that pose the least serious criminal risk. To help the members of the public learn about chemical hazards in their communities, the rule establishes a vulnerable zone indicator system. In addition, the rule authorizes and

encourages state and local agencies involved in chemical emergency planning, prevention, or response to provide the public with read-only access to OCA information for local facilities.

Access to Paper Copies of OCA Information

At federal reading rooms, any member of the public will be able to read, although not remove or mechanically reproduce, a paper copy of OCA information for up to 10 facilities per calendar month located anywhere in the country, without geographical restriction. In addition, any person will be able to view OCA information for facilities located in the jurisdiction of the LEPC where the person lives or works and for any additional facilities with a vulnerable zone extending into that LEPC's jurisdiction. The reading rooms will be located at EPA headquarters in Washington, D.C., and in EPA regional offices and other federal offices.

State Emergency Response Commissions (SERCs), Local Emergency Planning Committees (LEPCs), and related state and local government agencies may also provide the public with read-only access to OCA information for local facilities. LEPCs and local agencies are encouraged to allow any person to

view OCA information for facilities located in the LEPC's jurisdiction and for any facility with a vulnerable zone that extends into the LEPC's jurisdiction. SERCs and state agencies are encouraged to allow any person to view the OCA information that the LEPC where the person lives or works would be authorized to provide.

Internet Access to Some OCA Data

The rule makes many of the OCA data elements available to the public on the Internet. By Dec. 31, 2000, RMP*Info, EPA's Internet-based system for providing public access to risk management plans (RMPs), will include the full text of RMPs **except for** the OCA data elements that might significantly assist someone in targeting a chemical facility. RMP*Info is available at www.epa.gov/ceppo/

Vulnerable Zone Indicator System (VZIS)

The benefits assessment found that information that is already interpreted, easily understood, or put into context is far more likely to spark public awareness of chemical risks and interest in working with government and industry to reduce those risks. The rule allows the public to query an Internet-based vulnerable zone indicator system to understand better some of the aspects of the risk expressed by OCA information without disclosing the information itself.

The indicator system will be available via electronic mail, a toll-free number, or a mail request for individuals who do not have Internet access. Individuals will be able to submit to the system a specific address (such as that of a home, school, or place of employment), and the system will inform them of whether that address might fall within any of the vulnerable zones reported by RMP facilities. The system will provide instructions on how to obtain the names of the facilities that potentially affect the address of interest.

The indicator is expected to be available as part of RMP*Info in October.

Answers To Your Questions

When will federal reading rooms be operational?

We anticipate federal reading room access will be available by Dec. 31, 2000. Check the EPA website at www.epa.gov/ceppo for a list of reading room locations and contact information as they become available.

How can I gain access to OCA information at a federal reading room?

Some federal reading rooms will operate on a walk-in basis because OCA information will be maintained there. Other federal reading rooms will provide access to OCA information on an appointment basis. For reading rooms that operate by appointment, you will need to call a toll-free number at least three days in advance. During the call, you will be asked to provide your name, telephone number, and the names of the facilities for which you are seeking OCA information. With that information, your appointment can be scheduled.

Will I need to bring identification to a federal reading room?

Before you receive access to the OCA information you request, you will be asked to show photo identification issued by a federal, state, or local government agency (for example, a driver's license or passport). Next, you will be asked to sign in and certify by signature that you have not received access to OCA information for more than 10 facilities located anywhere in the United States during that calendar month. If you have requested to see OCA information for local facilities based on where you live or work, you will be asked to show documentation of where you live or work.

Can I take copies of the OCA information home?

No. You can read and take handwritten notes from the paper copy of OCA information provided to you in a reading room, but you may not remove or mechanically reproduce the paper copy.

What if the federal reading rooms are too far away? Can I view OCA information closer to home?

There are a variety of ways you can gain access to OCA information. For instance, your LEPC is allowed to provide you with read-only access to OCA information for sources located within the jurisdiction of your LEPC and for any other stationary sources that have a vulnerability zone that extends into your LEPC's jurisdiction. You can find contact information for your LEPC at <http://www.epa.gov/ceppo/lepclist.htm> or by calling the EPA hotline at (800) 424-9346. Other related local government agencies, including fire, police, planning departments, and others that are involved in chemical emergency planning, prevention, or response, also may be able to help you. Likewise, SERCs and related state government agencies are authorized to provide you with read-only access to OCA information for the facilities located in the jurisdiction of the LEPC where you live or work and for facilities with a vulnerable zone that extends into that LEPC's jurisdiction. In addition, some OCA data elements will be available on the Internet. Finally, some facilities have opted to make their OCA information available to the public without restriction. A list of those facilities is available at http://www.epa.gov/ceppo/oca_rels/pl106-40.html

When will the vulnerable zone indicator system (VZIS) be operational?

The VZIS will be operational by Oct. 5, 2000. That will give EPA time to develop, test and make the software available.

How will I know the names of the facilities with a vulnerable zone that might extend to my address?

The VZIS will give you contact information for federal, state, and local agencies that can help you identify the facilities having a vulnerable zone that might extend to your specific address. You will be advised through the indicator system that once you know the name of a facility, you can view the OCA information for that facility at federal reading rooms and possibly at state and local agencies. You will also be informed that RMP*Info can provide you with information about the facility's chemical

accident history and the steps that facility is taking to prevent such accidents. You may also contact the facility directly to request access to OCA information, although facilities are not required to make their OCA information available to the public.

As an LEPC member, if I share OCA information with the public, won't I be breaking the law?

The Chemical Safety Information, Site Security and Fuels Regulatory Relief Act and the rule allow state and local officials to share with the public the data reported in the OCA portions of RMPs ("OCA data elements" as defined by the rule) as long as the data are not conveyed in the format of sections 2 through 5 of an RMP or any electronic database developed by EPA from those sections. As the rule makes clear, public distribution of OCA data elements in a manner consistent with that provision is not illegal and is not punishable under federal law.

For More Information on the Risk Management Program ...

CAA Section 112(r) Hotline
Monday - Friday, 9 am - 6 pm, EST
(800) 424-9346 or (703) 412-9810

CEPPO's homepage at www.epa.gov/ceppo